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Elimination of racism and racial discrimination

Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the General Assembly the report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance prepared by Mr. Maurice Glèlè-Ahanhanzo, Special Rapporteur of the Commission on Human Rights, in accordance with General Assembly resolution 56/267 of 27 March 2002.

Summary

The present report is submitted in response to General Assembly resolution 56/267, entitled "Measures to combat contemporary forms of racism and racial discrimination, xenophobia and related intolerance". In it, the Special Rapporteur highlights the factors which have adversely affected the functioning of the special procedures in general and of his mandate in particular, especially the inhospitable climate with which human rights promotion and protection have had to contend since the tragic events of 11 September 2001, the uncertainty about the end of the present Special Rapporteur's mandate and the new conference service rules governing the submission of reports.

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As regards activities, the Special Rapporteur describes his participation in the work of the fifty-eighth session of the Commission on Human Rights, in the course of which he spoke about the principal achievements of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held at Durban, South Africa. The Special Rapporteur also mentions the mission to Australia and the planned mission to Canada, which never came about because of the uncertainty to which he referred earlier.

As to contemporary forms of racism and racial discrimination, xenophobia and related intolerance, emphasis is placed on the resurgence of racism, racial discrimination and xenophobia in various parts of the world, affecting migrants and refugees in particular. This phenomenon would appear to be the consequence of the electoral successes of nationalist and extreme right parties in a number of countries and to influence measures adopted with respect to immigration, especially between countries of the South and those of the North. It may also be the consequence of the terrorist attacks of 11 September 2001, which seems to have engendered a stigmatization of Muslims and Arabs. The report describes the persistence of racist propaganda on the Internet, where more than 200 sites propagating racial hatred have been counted. Lastly, the Special Rapporteur notes that, in parallel with the worsening of tension in the Middle East, the number of anti-Semitic acts has increased. Several thousands of incidents ranging from anti-Semitic graffiti and e-mail to desecration of cemeteries and attacks on synagogues have been reported. Demonstrations against the State of Israel have occurred in various cities throughout the world, accompanied by banners bearing extremely aggressive anti-Semitic language.

In the chapter on measures taken or envisaged by Governments, judicial organs or other bodies, the report describes various affirmative action measures adopted by the Government of Brazil to remedy the effects of racial discrimination on Afro-Brazilian population groups. In the United States of America, in Birmingham, Alabama, on 22 May 2002, a former member of the Ku Klux Klan, named Bobby Frank Cherry, was condemned to life imprisonment after being found guilty of the murder of four black girls following the blowing up of a church. Although more than four decades had elapsed, justice was therefore done, giving satisfaction to the parents of the victims. In France, the Court of Cassation has recognized "testing" (see para. 28) as a way of providing judicial proof of racial discrimination practised by a third party. This unusual method of combating discrimination consists in having a bailiff or the police certify that a person has been refused admission to a public establishment solely on account of the colour of his or her skin or some other somatic characteristic.

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I. Introduction

1. In resolution 56/267, on measures to combat contemporary forms of racism and racial discrimination, xenophobia and related intolerance, the General Assembly drew attention to a number of situations that gave rise to concern and recommended various actions which Member States should take to eliminate the evils cited.

2. The General Assembly expressed its alarm at the increase in racist violence in many parts of the world, inter alia, as a result of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies. It emphasized that remembering the crimes and wrongs of the past, wherever and whenever they occurred, unequivocally condemning its racist tragedies and telling the truth about history are essential elements for international reconciliation and the creation of societies based on justice, equality and solidarity. It expressed its deep concern that those advocating racism and racial discrimination misuse new communication technologies, including the Internet, to disseminate their repugnant views. It also expressed its deep concern that racism and racial discrimination against migrant workers still persist despite the efforts undertaken by the international community to protect the human rights of migrant workers and members of their families. It condemned political platforms and organizations based on racism, xenophobia or doctrines of racial superiority and related discrimination, as well as legislation and practices based on racism, racial discrimination, xenophobia and related intolerance, as incompatible with democracy and transparent and accountable governance. It noted with concern the existence of multiple discrimination, in particular against women.

3. The General Assembly therefore, inter alia, urged States to adopt and implement legislation and administrative measures that counter racism, racial discrimination, xenophobia and related intolerance in all spheres of public life. It also recommended that measures should be taken against the use of audio-visual and electronic media to incite racial hatred and urged States to take all necessary measures to address specifically, through policies and programmes, racism and racially motivated violence against women and girls and to increase cooperation, policy responses and effective implementation of national legislation and of their obligations under relevant international instruments, and to take other protective and preventive measures aimed at the elimination of all forms of racially motivated discrimination and violence against women and girls.

4. With a view to remedying the double discrimination suffered by women, the General Assembly urged States to mainstream a gender perspective in the design and development of measures of prevention, education and protection aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men. It also called upon States to combat trafficking in persons, in particular women and children, and smuggling of migrants, taking into account practices that endanger human lives or lead to various kinds of servitude and exploitation such as debt bondage, slavery, sexual exploitation and labour exploitation.

5. With respect to the activities of law enforcement agencies, the General Assembly urged States to design and implement effective policies and programmes to prevent, detect and ensure accountability for misconduct by police officers and

other law enforcement personnel that is motivated by racial discrimination, xenophobia and related intolerance and to prosecute perpetrators of such misconduct. It also urged States to eliminate the phenomenon popularly known as "racial profiling", consisting in the practice by police and other law enforcement officers of relying on race, colour, descent or national or ethnic origin as the basis for subjecting persons to investigatory activities or for determining whether an individual is engaged in criminal activity.

6. In its concern at the situation in which various groups find themselves as a result of racial discrimination, the General Assembly underlined the need to design, promote and implement, at the national, regional and international levels, strategies, programmes and policies and adequate legislation, which may include special and positive measures, for furthering equal social development and the realization of the civil and political, economic, social and cultural rights of all victims of racism, racial discrimination, xenophobia and related intolerance, inter alia, through more effective access to political, judicial and administrative institutions. It also stressed the need to guarantee that the benefits of development, science and technology contribute effectively to the improvement of the quality of life for all, without discrimination. In particular, the Assembly urged States to develop policies to eliminate manifestations of racism, racial discrimination, xenophobia and related intolerance, including violence, against Roma/Gypsies/Sinti/Travellers and to ensure the full enjoyment of equality by these groups. It also called upon States to review and revise, where necessary, their immigration 'aws, policies and practices so that they are free of racial discrimination and compatible with States' obligations under international human rights instruments.

7. Lastly, the General Assembly urged all Governments to cooperate fully with the Special Rapporteur with a view to enabling him to fulfil his mandate, including the examination of incidents of contemporary forms of racism and racial discrimination, inter alia, against Africans and people of African descent, xenophobia, Negrophobia, Islamophobia/anti-Muslim, anti-Semitism and related intolerance.

8. The present report seeks to respond to the resolution whose content is summarized above. It should be mentioned, however, that various factors have militated against fulfilment of the mandate. The first of these is the inhospitable climate with which human rights promotion and protection have had to contend since the tragic events of 11 September 2001. The insidious link which has been established between the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in Durban and the terrorist attacks of 11 September, together with the undermining of human rights as a result of the security measures adopted against terrorism, have had the effect of relegating to secondary position the requirements of the mandate. Also, the uncertainty and even confusion which were created regarding the effective date of cessation of functions of someone who has been fulfilling a mandate for at least six years have discouraged the present mandate holder. Even before the Commission on Human Rights gave its opinion, the Office of the United Nations High Commissioner for Human Rights wrote, on 21 February 2002, to the Special Rapporteur to inform him that preparations for the missions he had planned were on hold. When the Commission finally clarified the situation by its decision 2002/14, the Office of the High Commissioner wrote again to the Special Rapporteur, on 15 May 2002, to inform him that his mandate would continue until 24 July 2002. By that time, three months had elapsed, and the

mandate holder already had taken on other national and international commitments and could not be fully available.

9. The third factor to be taken into account, perhaps in conjunction with the second, concerns the treatment which the special procedures received at the fifty-eighth session of the Commission on Human Rights. During that session, in the wake of the drastic measures imposed by the General Assembly curtailing meeting time, the time allotted to some of the special rapporteurs was reduced so much that they found it impossible to introduce their reports properly. A fourth factor affecting fulfilment of the mandate was the conference service rules, and specifically the requirement that the special rapporteurs had to submit their reports to the General Assembly by 2 July at the latest, barely two months from the time the Commission ended its work, thereby allowing too little time for the compilation of information.

10. At their ninth meeting, which was held in Geneva from 24 to 28 June, the special rapporteurs discussed the inhospitable climate in which they had to fulfil their mandates and concluded that it was hardly conducive to human rights promotion and protection. Lip service is paid to human rights, but in actual fact regressive and inconsistent measures are impairing the smooth functioning of machinery for the protection of human rights. This discourages the mandate holders and undermines the effectiveness of the implementation of human rights principles.

11. In such a troubled atmosphere, the Special Rapporteur could do no more than give a concise account of some of his activities and summarize the principal trends of contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, with the hope that his successor will be able to carry out the necessary studies.

II. Activities of the Special Rapporteur of the Commission on Human Rights

A. Participation in the work of the Commission on Human Rights

12. From 22 to 26 March 2002, the Special Rapporteur participated in the work of the fifty-eighth session of the Commission on Human Rights and introduced his general report on racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2002/24) and the report on his mission to Australia from 22 April to 10 May 2001 (E/CN.4/2002/24/Add.1 and Corr.1).

13. The Special Rapporteur highlighted the main achievements of the Durban Conference, including:

(a) Acknowledgement of the evils of colonialism, and classification of slavery and the slave trade as crimes against humanity;

(b) Affirmation of the equal dignity of human beings in all places and at all times, whether based on religion or reason, and denunciation of racism and racial discrimination as products of archaic thinking that stand in the way of human progress;

(c) The proposition that dialogue between civilizations provides responses to the problem of achieving respect for cultural and human diversity, in particular that of accepting difference in others in the face of dominant societies' attempts to

assimilate other individuals or groups into their own culture, to exclude them or to eliminate them;

(d) The acknowledgement that effective action to combat racism and racial discrimination requires a combination of educational, penal, economic and social measures; and

(e) The acknowledgement that changing racist mentalities requires education, notably an educational process that notes the evils of racism and racial discrimination while praising human and cultural diversity and encouraging interpersonal and intercultural exchanges.

14. The Special Rapporteur is convinced that the Durban Declaration and Programme of Action constitute a fundamental document which should be further developed and implemented without delay in the interest of mutually supportive and effective action against racism, racial discrimination, xenophobia and related intolerance, through human rights education and economic, social and cultural development measures designed to correct persistent forms of structural racism and eradicate the social inequalities which represent the legacy of racism and feed poverty.

15. During his participation in the work of the Commission on Human Rights, the Special Rapporteur also emphasized manifestations of racism, racial discrimination and xenophobia which had targeted persons of Muslim faith or Arab origin in the wake of the terrorist attacks of 11 September 2001. The Commission, concerned to find a solution to this alarming situation, adopted resolution 2002/9, entitled "Combating defamation of religions", in which it requested the Special Rapporteur to examine the situation of Muslim and Arab peoples in various parts of the world with special reference to physical assaults and attacks against their places of worship, cultural centres, businesses and properties in the aftermath of the events of 11 September.

16. As regards his mission to Australia, the Special Rapporteur noted the substantial efforts made by the Australian Government to end racism and racial discrimination. A number of institutions — anti-discrimination commissions or human rights and equal opportunity commissions — have been established at the federal level and in the federated states to combat these phenomena. Programmes aimed at improving the living conditions of the indigenous peoples exist, even if they have not yet succeeded in producing the desired results. Recognition of ethnic diversity and the promotion of inter-ethnic harmony undoubtedly constitute an ideal policy for consolidating the Australian nation, provided it does not waver under the influence of electoral considerations.

17. He also stated that the question of reconciliation with the Aboriginal peoples remains outstanding, because it affects the foundations of the Australian State and conflicting cultural values. For the Aboriginals, despite the democratic foundations of the Australian State and its desire to incorporate all its ethnic components on an egalitarian basis, this State is a manifestation of colonization, whose consequences remain to this day, notably through the limitation of their land rights, the tragedy of the abducted children, cultural clashes and highly precarious living conditions outside the wealth of the majority of Australians. In their view, the resolution of conflicts is dependent on negotiation on equal terms between Australia's governors and those who originally possessed the continent, the eminent owners of the

Australian lands, of which they have been dispossessed, particular account being taken of their indissoluble links with the land. The land question remains crucial and is the key to the Australian problem. The Commonwealth Government and the dominant political forces mainly take a forward-looking approach which, while envisaging the possibilities of remedying the consequences of past actions, wishes to reduce their effects on the building of a new nation.

18. The Government cast doubt on the "credibility" of the Special Rapporteur's analysis but merely submitted some corrections of a clerical nature, which were reproduced in a corrigendum issued as document E/CN.4/2002/24/Add.1/Corr.1. The Special Rapporteur hopes that his recommendations will result in an improved situation for the Aboriginal peoples and social harmony for the Australian people.

B. Mission envisaged by the Rapporteur

19. Following allegations which he had received on the subject of racial discrimination affecting a number of ethnic minorities and indigenous peoples (E/CN.4/2001/21, para. 16) and having received an invitation from the Canadian Government, the Special Rapporteur had intended to visit Canada in June 2002. Because the actual date of termination of the mandate was not set until 26 April, the Canadian Government considered that there was insufficient time to organize the mission and asked for it to be deferred to a later date.

III. Manifestations of racism, racial discrimination, xenophobia and related intolerance

20. The principal contemporary tendencies of racism, racial discrimination, xenophobia and related intolerance are connected with the increase in xenophobia in various parts of the world, the persistence of racist propaganda on the Internet and the rise in anti-Semitism.

A. Racism, racial discrimination and xenophobia

21. The reports and allegations which have reached the Special Rapporteur[1] indicate that there has been a resurgence of racism, racial discrimination and xenophobia in various parts of the world, affecting migrants and refugees in particular. This phenomenon would appear to be the consequence of the electoral successes of nationalist and extreme right parties in a number of countries and to influence measures adopted with respect to immigration, especially between countries of the South and those of the North. It may also be the consequence of the terrorist attacks of 11 September 2001, which seem to have engendered a stigmatization of Muslims and Arabs, who are supposed to be hand in glove with the terrorists. In the same context, the emergence of a verbal tendency to hierarchize cultures, some being considered "superior" to others, can only be a divisive factor pitting individuals and communities against one another and helping to sustain racism.

22. Numerous allegations complain of the rigorous treatment awaiting travellers from countries of the South in the consulates of the North, of the extreme

selectiveness in granting visas and of the frequent instances of racial profiling in the airports of the latter countries. Combined with the security measures designed to combat terrorism, the measures against immigration now give the impression that an iron curtain is falling between the North and the South of the planet. There is also more xenophobic and racist behaviour on the part of law enforcement officials. There appears to be a vital need for an in-depth study to analyse in a holistic perspective the causes of the migratory phenomena and to ponder the human dimensions of globalization and the basic values of the civilization emerging from the twenty-first century, of which human rights, and in particular the dignity of the human person, are the most important. The question of globalization and its relationship to human rights is of the utmost relevance.

B. Racist propaganda on the Internet

23. The Simon Wiesenthal Centre, which is specialized in the monitoring of online racist activities, recently released a CD-ROM entitled "Digital Hate", which lists the sites engaged in racist propaganda. According to the Centre, which has examined approximately 25,000 Internet sites, there are more than 200 sites which propagate racial hatred. Pursuant to the provisions of the Durban Programme of Action (A/CONF.189/12, chap. I, Programme of Action, paras. 143-147), the Special Rapporteur hopes that the States concerned and the international community will succeed in developing measures to nip this increasingly alarming phenomenon in the bud. A group of experts at the Council of Europe is currently working out ways of harmonizing the legislation of member States. An additional protocol to the Convention on Cybercrime, signed by approximately 30 European States in November 2001, would make it possible to ban racist propaganda on the Internet. But already voices are being raised in protest against such an idea within European associations grouped together as the Global Internet Liberty Campaign, which claims to defend public freedoms on behalf of freedom of expression.

C. Anti-Semitism

24. In parallel with the worsening of tension in the Middle East, anti-Semitic acts (harm to property and people, attacks on Jewish places of worship and institutions) have increased in number. Jewish organizations have reported several thousands of incidents ranging from anti-Semitic graffiti and e-mail to attacks on synagogues and desecration of cemeteries. Demonstrations against the State of Israel have occurred in various cities throughout the world, accompanied by banners bearing extremely aggressive anti-Semitic language.

IV. Measures taken or envisaged by Governments, judicial organs or other bodies

25. Some noteworthy measures against racism, racial discrimination and related intolerance have been taken by the Government of Brazil. Judicial decisions adopted in the United States and France have also caught the Special Rapporteur's attention.

A. Brazil

26. The Brazilian Government informed the Special Rapporteur of the initial measures it had taken with a view to implementing the Durban Declaration and Programme of Action. On 21 March 2002, on the occasion of the International Day against Racism and Racial Discrimination, a protocol on affirmative action was signed at Branco Institute, which is the institute for training Brazilian diplomats, by the Ministries of Science and Technology, Justice, Culture and Foreign Affairs for the purpose of awarding twenty scholarships to Brazilians of African descent wishing to embark on diplomatic careers. Another important official act that occurred on the same day was the signing by the Palmarès Foundation, the Ministries of Science and Technology and Culture and the National Council for Scientific and Technological Development of a cooperation agreement for the support of populations in the *Quilombo* (territory inhabited by descendants of runaway slaves). The Brazilian Government intends to adopt further measures of affirmative action to remedy the disadvantages experienced by populations owing to racial discrimination.

B. Judicial measures

27. The Special Rapporteur was informed that in the United States of America, in Birmingham, Alabama, on 22 May 2002, a former member of the Ku Klux Klan, named Bobby Frank Cherry, was condemned to life imprisonment after being found guilty of the murder of four black girls following the blowing up of a church. The Sixteenth Street Baptist Church was a rallying point for militants of the civil rights movement during the 1960s. To the satisfaction of the parents of the victims, justice was done, although more than four decades later, Bobby Frank Cherry having been the last of the four alleged perpetrators of the crime.

28. In France, the Court of Cassation has recognized "testing" as a way of providing judicial proof of racial discrimination practised by a third party. This unusual method of combating discrimination consists in having a bailiff or the police certify that a person has been refused admission to a public establishment solely on account of the colour of his or her skin or some other somatic characteristic. It has been used recently by SOS Racisme in the case of bars and discotheques in France. First, persons of Maghreb or African origin ask to enter the establishment. If access is denied on the ground that the establishment is a private club or is full, or that they are incorrectly dressed, persons of European origin present themselves. If the latter are allowed in, an act of discrimination can be certified and a case brought. A number of managers of establishments have been ordered to pay fines but have appealed. The decision of the Court of Cassation quashes a judgement of the Montpellier Appeal Court, dated 5 June 2001, acquitting operators and doormen in a number of discotheques in the region of Hérault.

V. Conclusions

29. **Combating racism, racial discrimination, xenophobia and related intolerance requires conviction, consistency, perseverance and determination. The current international context should not cause these requirements to be**

lost from view, since they affect millions of people who are daily subjected to the horrors of discriminatory treatment. The Durban Declaration and Programme of Action contain all the elements necessary for a mobilization of efforts and the taking of effective action against the evils concerned. It is our duty to ensure that the text does not remain a dead letter but instead becomes living testimony of the steadfastness of the international community's struggle against such archaisms in the twenty-first century as racism, racial discrimination, xenophobia and related intolerance. It is imperative that everyone everywhere, without any distinction, through education and in all humility, should internalize human rights, especially the equal dignity of the human person, and should practise them in his or her daily life in social relationships, at both the national and the international levels.

Notes

[1] Including the annual report of the European Commission against Racism and Intolerance for 2001 CRI(2002)19.

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Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Globalization and its impact on the full enjoyment of all human rights

Report of the Secretary-General**

I. Introduction

1. By its resolution 56/165, the General Assembly took note of the report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/56/254 and Add.1) and requested the Secretary-General to seek further the views of Member States and to submit a comprehensive report on this subject to the Assembly at its fifty-seventh session.

2. In compliance with this request, on 2 April 2002, the Office of the United Nations High Commissioner for Human Rights forwarded a note verbale to Member States requesting their views on the question. By 26 June 2002, responses were received from the Governments of Cuba, the Sudan and the United Kingdom of Great Britain and Northern Ireland. The responses are set out below.

II. Replies from Governments

A. Cuba

3. The Government of the Republic of Cuba attaches the greatest importance to the central role which the international community must play, through the United Nations system, as the universal and most representative forum, in redefining the bases of the ongoing globalization process, so that its potential benefits can reach all peoples of the world and all sectors within each country.

4. Globalization is an objective process resulting from historical and technological development, particularly of transportation, communications and information technologies, with far-reaching repercussions in all spheres: economic, political, social and cultural.

5. The phenomenon of globalization manifests itself in growing ties of interdependence in which processes and events in any part of the world have consequences for other countries and for all facets of the lives of millions of people in other parts of the world. This is, in part, why all peoples of the planet have an inherent right to be able to participate in the management and administration of processes that have a global impact,

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according to the principle of shared responsibility and in a multilateral framework.

6. The point is not to evaluate globalization from a Manichaean viewpoint and to portray a pattern of irreconcilable polarization of positions on the subject. Only those who wish to preserve the privileges conferred on them by the unfair models governing the distribution of its benefits can embrace such an approach. The fundamental aim of its proponents is to demonize the social movements of protest against specific effects of globalization or at least to deprive them of political force, branding them as utopian dreamers, traitors to their class and rebels, using epithets such as conservative nationalists or isolationist protectionists.

7. It is essential to answer objectively questions such as the following. Can the neo-liberal prescriptions, which served as guidelines for the current globalization, guarantee the promotion and protection of all human rights for everyone throughout the world? Can they provide answers to the current problems and eliminate the obstacles to the realization of the underdeveloped countries' right to development? Can these formulas meet the challenge of the increasing degradation of the environment and the planet's social debt? The facts demonstrate that they cannot.

8. In theory, globalization was supposed to become a positive force for all countries and inhabitants of the world. However, as the international community has formally recognized repeatedly at the world summits held in recent years, in particular the Millennium Summit, at present the benefits and costs of globalization are very unequally distributed and the developing countries have special difficulties in dealing with this problem.

9. Consequently, at these international summits all States agree on, inter alia, the need to adopt policies and measures at the international level reflecting the needs of the developing countries, formulated and applied with their participation. In addition, commitments were made to achieve multilateral financial, monetary and commercial systems that are open, transparent, democratic, equitable, coherent, rule-based, predictable and non-discriminatory. However, little or nothing has been done to achieve these goals and fulfil these commitments.

10. The central problem with the existing pattern of globalization is that in the last few decades the circles of transnational political, economic and media power, based in the developed countries and with strong tentacles in other parts of the world, are promoting to excess, in a fundamentalist manner, a so-called liberalization and deregulation as a universal panacea for all countries in the world, as part of their neo-liberal doctrine.

11. However, the so-called "liberalization" is a fallacy and has its own selectiveness.

12. Without claiming to be exhaustive, while on the one hand the developed countries and the multilateral commercial and financial institutions controlled by them are advocating market deregulation and elimination of subsidies in the underdeveloped countries, on the other hand they are continuing (a recent example is the United States Farm Bill) to maintain and establish new multi-million subsidies for their farmers and keep their markets closed to the main exports of the majority of developing countries: agricultural products and textiles.

13. In addition, far from liberalizing the movement of persons between South and North, migration restrictions are being intensified and the threat of military force is even being used to halt the growing wave of migrants. Technology transfer has not been liberalized either. On the contrary, there are more stringent intellectual property arrangements designed to protect the monopoly and supremacy of the developed countries and their businesses in this area and to perpetuate the developing countries' dependence.

14. There has also not been an increase in the number of economic players, at the national and international levels, but a greater concentration of ownership through alliances, mergers and acquisitions in which most businesses and small producers, particularly in the developing countries, get the worst of it and almost always succumb in the face of competition from the technological superiority and economic clout of the large companies in the developed countries.

15. While developed countries and certain underdeveloped ones have seen some economic growth, often not without intermittent slow-downs, stagnation and backsliding, in fact this has, as demonstrated by statistics in reports of the World Bank and the United Nations Development Programme, been

accompanied by growing disparities in income distribution within nations, including developed ones, and between nations and ultimately by deterioration or increasing social stagnation.

16. The process of neo-liberal globalization has also resulted, in almost all parts of the world, in a decrease in the role of States and in their economic and financial capacity to realize the right to development, as well as to maintain, provide or guarantee the basic public services of education, health and social security. These services are therefore privatized and commercialized, resulting in inequality of access and, in many cases, denial of the economic, social and cultural rights of millions of people and sometimes of most of the population.

17. In the political sphere, the power centres are disregarding the 1993 Vienna consensus, which affirmed the importance of taking into account national and regional peculiarities, as well as the various historic, cultural and religious heritages, and are trying to globalize their formula of formal and supposedly multiparty representative democracy as the only model and a self-seeking interpretation of civil and political rights whereby they enjoy de facto primacy and are divorced from the realization of economic, social and cultural rights.

18. The fact is that, despite the existence of several parties in the developed countries, in many places a bipartisan approach, or actually a single-party system, has been imposed. The parties with the possibility of access to government are generally the ones controlled by the economic power groups. Elections are held, each time with a higher abstention rate, because of the lack of credibility of the politicians and the system itself. The electoral campaigns cost more money each time, which cannot be paid by potential candidates from among the poor, the workers, the peasants, the indigenous inhabitants and the immigrants, who thus remain marginalized from effective participation in the government of their country. The names of the rulers or of the parties currently in government are changed, but at the same time nothing or hardly anything changes for the better in the life of the population majorities.

19. Neo-liberal globalization is also contributing to the spread throughout the world of vices and offences such as drug trafficking, prostitution and pornography, including child pornography, trafficking in migrants, trade in women and children, paedophilia, racism, racial discrimination, xenophobia and related intolerance, as a result of the development of transportation and uncontrolled media, such as the Internet. There is also an alarming and dangerous wave of consolidation and rise to power of rightist parties, based on xenophobic and anti-immigration ideas and programmes, like the one which preceded the Second World War in several European countries. In this disorderly state of affairs, the right of all persons to have a social and international order established in which their rights and freedoms can be fully effective — a right proclaimed more than 50 years ago in the Universal Declaration of Human Rights and reiterated in different words in the Declaration on the Right to Development, and then reaffirmed by consensus at the 1993 World Conference on Human Rights — not only continues to be unfinished business but recedes each day further into the distance.

20. Through neo-liberal globalization, a new reconquest of the developing countries is being imposed by the imperialist Powers, several of which are former colonial metropoles, and their economic agents, such as the transnational corporations and the multilateral institutions which they dominate. A new process of economic neo-colonialism is advancing, affecting the exercise of the right to self-determination of peoples.

21. The free market mechanisms and the "equality" among unequals promoted by neo-liberal globalization, in the context of historical determinants of subordination, dependency and plunder to which the developing countries were subjected and of the current inequities of the existing international economic order, tend to favour the developed countries and to perpetuate and deepen the inequalities between them and the South countries.

22. The growing signs of destabilization and political, economic and social crisis in many developing countries, including several so-called middle-income countries in Latin America which faithfully followed the neo-liberal economic prescriptions and the political formulas of formal "democracy" once considered to be paradigms of the neo-liberal model, are indications of the exhaustion and non-viability of current globalization for the developing countries.

23. The continuing excessive application of neo-liberal formulas means that the realization of all human

rights for all and particularly of economic, social and cultural rights and the right to development will remain an unattainable dream and will have serious consequences for peace and national, regional and international stability.

24. The Government of the Republic of Cuba shares the views of the growing social sectors throughout the world that are questioning and criticizing the current neo-liberal order. A different and better world is not only possible but necessary. Humanity will be able to save itself only with a more human and equitable order, in which social justice prevails. The existing unfair, selfish and unequal international order cannot solve the serious problems facing humanity today or the great challenges of tomorrow.

B. Sudan

25. The Sudan notes that there is no alternative to globalization and raises the following questions:

(a) What are the disadvantages of globalization economically, culturally, socially and politically for developing countries?

(b) How can the issues of the promotion and protection of human rights and economic development be reconciled?

26. The latter question is not only about general matters concerning the reconciliation of the promotion and protection of human rights and economic development, but also of defining where and how this reconciliation should take place. This opens up fundamental institutional questions. In particular, it demands that we see whether such reconciliation will take place only inside financial development institutions or elsewhere. No one can ignore the very negative impact of the Bretton Woods Institutions as well as other transnational institutions on the economy and the policies of developing countries and hence on the enjoyment of human rights in these countries. In particular, the market can affect both positively and negatively the enjoyment of human rights. Financial institutions and the market can produce negative effects in the following areas:

(a) Child labour;

(b) Conditions of employment;

(c) Globalization and declining wages;

(d) Environmental pollution;

(e) Intervention in government economic policies.

27. In order to tackle these problems and others, the following are crucial guidelines that must be kept in mind:

(a) Every State has the right to prescribe the condition under which financial institutions, including multinational enterprises, operate within the national jurisdiction, subject to international law;

(b) Every financial institution and multinational enterprise must take fully into account established general policy objectives of the member countries in which they operate;

(c) Every financial institution and multinational enterprise must give due consideration to those countries' aims and priorities with regard to economic and social progress;

(d) The local community and civil society should be encouraged to assess these enterprises by being part of negotiations.

28. The Sudan notes that the stronger the United Nations system is in embracing and practising a human-rights-based approach to development in all its many dimensions and within all its organizations, the faster the rate of change of these institutions will be.

29. The Sudan recognizes that, as a result of globalization and the advancement in information-sharing and communications, human rights advocates can communicate internationally through the Internet concerning the actions and violations of institutions and groups in society. However, modern communications such as the Internet can also be used in a negative way, to promote prostitution and child pornography, which has obvious effects on moral and social relations. Also, the extent to which Governments can regulate communications and hence maintain sovereignty within their States may depend upon who gets access to information technology. Furthermore, while much information is available very quickly, it may lack credibility or truth.

30. The Sudan notes that these are some of the general issues of concern with regard to human rights and globalization. To the understanding of the Sudan, the following issues should be taken into account:

(a) We must ensure the rich do not own the world;

(b) Globalization should not be a sword in the hands of the powerful and ruling classes;

(c) A thorough independent and comprehensive assessment of the social, environmental and cultural impact of globalization on societies needs to be undertaken;

(d) There needs to be increased transparency in the negotiations of any enterprise involving transnational agencies.

C. United Kingdom of Great Britain and Northern Ireland

31. The United Kingdom of Great Britain and Northern Ireland forwarded the full text of a report entitled "Eliminating world poverty: making globalization work for the poor: White Paper on international development" in response to the request of the Secretary-General. The following is a summary of the report. The full text is available with the Secretariat.

32. The United Kingdom notes that enormous progress has been made over the last decades in development and that over this time, much has been learned about what works and does not work in development. In the context of globalization, the task is to apply these lessons on a larger scale. The United Kingdom believes that globalization creates unprecedented new opportunities for sustainable development and poverty reduction, and for progress towards the international development targets, including the commitment to halve extreme poverty by 2015, to which the United Kingdom is committed.

33. According to the United Kingdom, making globalization work more effectively for the world's poor is a moral imperative and of common interest to all. Many of the world's contemporary challenges — war and conflict; refugee movements; the violation of human rights; international crime, terrorism and the illicit drugs trade; the spread of health pandemics such as HIV/AIDS; and environmental degradation — are caused or exacerbated by poverty and inequality. While progress is dependent on developing country leadership, some of the resources needed will have to be provided by the international community.

34. While the word globalization is used in different ways, the United Kingdom notes that globalization means the growing interdependence and interconnectedness of the modern world. The increased ease of movement of goods, services, capital, people and information across national borders is rapidly creating a single global economy. The process is driven by technological advance and reductions in the costs of international transactions. It is reflected in the diffusing of global norms and values, the spread of democracy and the proliferation of global agreements and treaties, including international environmental and human rights agreements. Globalization is also characterized by the growth of transnational companies. Managed wisely, the new wealth being created by globalization offers the opportunity to lift millions of the world's poorest out of poverty. Managed badly, it could lead to their further marginalization and impoverishment.

35. The United Kingdom identifies some of the legitimate public concerns raised by globalization as follows:

(a) **Culture**. Globalization has accelerated the growth of a global culture. This manifests itself through the near universal availability of the same consumer goods and the emergence of English as the means of communicating internationally. This does not necessarily pose a threat to diverse ways of life. However, the risk of a global monoculture poses more of a threat if the developing world remains poor and marginalized;

(b) **Environment**. There is concern that globalization is threatening the environment. It is true that the global environment continues to deteriorate and consumption patterns of people in developed countries are the major source of global environmental degradation. However, poverty and environmental degradation are often linked and economic development gives countries improved access to new, less resource-intensive and less polluting technologies. Greater commitment, at the international and national levels, to combat environmental degradation is necessary. However, a world commitment to sustainable development is dependent on the guarantee of development for the poor;

(c) **Increased inequality and poverty**. Many believe that globalization raises levels of inequality and poverty. However, the best evidence to date suggests that there is no systematic relationship between

openness and inequality, or between growth and inequality — either between or within countries. Over recent decades, inequality has risen in some cases and fallen in others, in both fast-growing and slower-growing economies. At the same time, growth is not enough. Pro-poor development requires growth and equity and poverty reduction is faster where growth is combined with declining inequality;

(d) **Systematic risks**. Globalization also brings with it systematic risks, such as financial volatility. Greater access to the global pool of savings through capital markets offers developing countries the chance to raise growth rates, but the Asian experience indicates clearly that openness to short-term portfolio flows can be damaging in the absence of a sound macroeconomic position and corporate regulation.

36. The United Kingdom believes that, if well managed, the benefits of globalization for poor countries and people can substantially outweigh the costs, especially in the longer term. Two overarching themes are significant. First, the importance of political will. Secondly, the need for a more integrated approach to policy-making. There is a particular responsibility for developed countries. For example, there is no sense in using development assistance to support countries and then undermining this through trade restrictions and unfair subsidies. Similarly, developing countries need effective systems of government and to ensure respect for human rights for all and to prevent violent conflict. The key policy commitments of the United Kingdom are as follows:

37. In relation to the challenge of globalization, the United Kingdom will:

(a) Work with others to manage globalization so that poverty is systematically reduced and the international development targets achieved;

(b) Promote economic growth that is equitable and environmentally sustainable.

38. In relation to promoting effective government and efficient markets:

(a) Help developing countries to build the effective government systems needed to reform their economic management, make markets work for people and meet the challenge of globalization;

(b) Work to reduce corruption and ensure respect for human rights and a greater voice for poor people;

(c) Work with others to reduce violent conflict, including through tighter control over the arms trade.

39. In relation to investing in people and sharing skills and knowledge, the United Kingdom will:

(a) Promote better health and education for poor people and harness the new information and communications technologies to share skills and knowledge with developing countries;

(b) Help to focus more of the United Kingdom and global research effort on the needs of the poor and make intellectual property regimes work better for poor people.

40. In relation to harnessing private finance, the United Kingdom will:

(a) Work with developing countries to put in place policies that will attract private financial flows and minimize the risk of capital flight;

(b) Work to strengthen the global financial system to manage the risks associated with the scale, speed and volatility of global financial flows, including through use of "road maps" to guide countries on opening their capital accounts;

(c) Encourage international cooperation on investment, competition and tax that promotes the interests of developing countries;

(d) Encourage corporate social responsibility by national and transnational companies and more investment by them in developing countries.

41. In relation to capturing gains from trade, the United Kingdom will:

(a) Support an open and rules-based international trading system and work to promote equitable trade rules and an effective voice for developing countries;

(b) Support continuing reductions in barriers to trade in both developed and developing countries and work to improve the capacity of developing countries to take advantage of new trade opportunities.

42. In relation to tackling global environmental problems, the United Kingdom will:

(a) Work to reduce the contribution made by developed countries to global environmental degradation;

(b) Work with developing countries to ensure that their poverty reduction strategies reflect the need to manage environment resources sustainably and strengthen their capacity to participate in international negotiations.

43. In relation to using development assistance more effectively, the United Kingdom will:

(a) Increase its development assistance to 0.33 per cent as a proportion of gross national product by 2003/2004 and continue to make progress towards the 0.7 per cent United Nations target;

(b) Work to increase the proportion of global development assistance spent in poor countries, help to improve its effectiveness and to reduce the burdens placed on recipient countries, end United Kingdom tied aid and work for multilateral untying;

(c) Introduce a new development bill to replace the outdated Overseas Development and Cooperation Act (1980) to consolidate their poverty focused approach to development;

(d) Provide faster and more substantial debt relief for heavily indebted poor countries that are committed to poverty reduction.

44. In relation to strengthening the international system, the United Kingdom will:

(a) Work with others to build a stronger, more open and accountable international system, in which poor people and countries have a more effective voice.